

present a serious burden, and the Office has not provided adequate reasons why the inventions are either independent or distinct. Accordingly, the restriction requirement is believed to be improper, and it should be withdrawn.

The Office alleges that Groups I and III are distinct on the grounds that the product of Group I could be used in the manufacture of tires or as an insulating material, which the Office alleges is "different" from that of Group III. This position is untenable. In the first case, the Office has not shown that the adsorbent composition of Group I could indeed be used in either the manufacture of tires or as an insulating material or, if it could, that the manufacture of tires is *materially* different from the claimed process. It is noted that the insulating material is not even a process and thus this is not a viable example. Applicants respectfully request the Office to fulfill its burden of supporting a viable alternative use or withdraw the restriction requirement as improper. MPEP §806.05(h).

The Office alleges that Groups II and III are distinct on the grounds that the article or apparatus could be used to filter non-organic solids such as dirt or sand from a fluid. This ground of restriction is unsustainable because there is no evidence that the article or apparatus in Group II could be used to filter non-organic solids. Moreover, material difference and not just a difference is required between the claimed invention and the Office's suggested alternative, and the Office has not shown or alleged that filtering non-organic solids from a fluid is materially different from the claimed process. For these reasons, the restriction requirement should be withdrawn.

Applicants note that the Office has not provided any reason to restrict between Groups I and II. Accordingly, the Office has not carried its burden under either MPEP §815 or MPEP §816, which is to make the requirement complete and to give reasons for holding of

independence or distinctness. For these reasons also, the restriction requirement is improper, and it should be withdrawn.

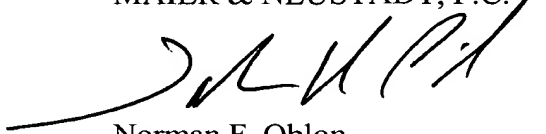
Applicants respectfully traverse the election of species requirement on the grounds that 37 C.F.R. §1.141 provides that a reasonable number of species may be claimed in one application. In the present case, Applicants are not presenting an unreasonable number of species, and as such it is submitted that the election of species requirement is unsustainable.

If the Office deems that the restriction requirement should be upheld, Applicants respectfully request that, should the elected invention be found allowable, the Office rejoin the non-elected groups thereto noting that the Office encourages this policy under MPEP §821.04. In the present case, the claims to the non-elected groups incorporate all the limitations of the elected composition by their dependency therefrom.

Applicants respectfully submit that this application is now in condition for examination on the merits, and early notice of such action is kindly solicited. Should the Examiner have any questions regarding the election, he is respectfully invited to contact Applicants' U.S. representative by telephone, who would be happy to provide any further assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

John K. Pike, Ph.D.
Registration No. 41,253



22850

(703) 413-3000
Fax #: (703) 413-2220
NFO/JKP:js

I:\atty\JKP\192376US-AM.wpd

192376US0

Marked-Up Copy	
Serial No:	09/580,526
Amendment Filed on:	10/17/01

MARKED-UP COPY

Claims 21-23 (NEW).